

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CHANG222

In re Application of:)	Conf. No.: 6592
)	
Jun Keun CHANG et al.)	
)	Art Unit: 2624
Appln. No.: 10/583,724)	
)	Washington, D.C.
Filed: December 17, 2004)	
)	January 15, 2009
For: CHANNEL APPARATUS FOR)	
FOCUSING A FLUID FLOW)	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is responsive to the Notice of Non-Compliant Amendment issued on December 16, 2008. This communication states that each claim has not been provided with the proper status identifier. It states that claim 9 should be "(Current Amended)" and claim 10 should be "(New)," as there were nine claims prior to the preliminary amendment. This requirement of the Notice of Non-Compliant Amendment is hereby respectfully traversed.

It is apparent that the Legal Instruments Examiner has overlooked the fact that the present application as filed

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included an Article 19 amendment that was filed during the international phase. In applicant's transmittal letter of June 22, 2006, in Item 20 under Other Items or Information included with the application, the following paragraph was checked off:

Courtesy copy of the Article 19 Amendment containing claims 1-10 to be substituted for original claims 1-9 for examination in this case. [Emphasis added]

Accordingly, the record is quite clear and explicit that it was the claims 1-10 of the Article 19 amendment which are to be considered the initial claims for examination in this case and not the original claims 1-9.

Furthermore MPEP §1893.01(a)(2) explicitly states:

Article 19 amendments which were made in English will be entered by substituting each page of the amendment for the corresponding English language page of claims of the international application. [Emphasis added]

The PTO received the Article 19 amendment by the date of the commencement of the national stage as a copy was included with the papers submitted by applicant on June 20, 2006. Thus, the amendment cannot be considered to have been cancelled and must have been entered prior to entry of the preliminary amendment also filed on June 20, 2006.

Accordingly, as the Article 19 amendment, containing ten claims, was required to have been entered and to have replaced claims 1-9 of the originally filed international

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application, it is these ten claims which were appropriately further amended by the preliminary amendment of June 20, 2006.

Claim 1 of the Article 19 amendment was not amended from the originally filed claims and was therefore marked "Original." Claims 2-9 differ from the originally filed claims and were therefore appropriately marked "Previously Presented" in the preliminary amendment. As claim 10 was amended, and was previously present, it is correctly marked with the status identifier "Currently Amended." All of new claims 11-18 were properly marked "New."

Accordingly, there was nothing wrong with the status identifiers presented in the preliminary amendment of June 20, 2006. Reconsideration and withdrawal of the Notice of Non-Compliant Amendment is therefore earnestly solicited.

Respectfully submitted,
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